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The Journal of the American Newspaper Publishers Association

Jeanne Long
Congressional Inform. Serv.
4520 East-West Hwy, Suite 800
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REPORT FROM ANPA/TEC '88

presstime

INDEX VOLUME 10, NUMBER 7 JULY 1988

ANPA/TEC Report *Newspaper people roamed nearly 15 acres of exhibits from 329 vendors at ANPA's 60th Technical Exposition and Conference in Atlanta. They saw everything from bulky presses weighing many tons to computerized disks of information no heavier than a phonograph record. General sessions and workshops focused on the increasing presence of personal computers in all newspaper departments, as well as the latest in waste management technology, press equipment and solutions to various production challenges.* **38**

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CHAIRMAN'S CORNER

Our National Literacy Day needs newspaper leadership

If one doesn't think literacy in this country is in a state of crisis, try this: Twenty-five million adult Americans are functionally illiterate. Another 35 million are marginal. That's 60 million, or one-third, of the adult U.S. population.

This means that most of these adults cannot even read bus schedules, job applications or their local newspapers. One in four Americans can't figure out if his or her paycheck is correct. And one in five can't address a letter.

Arthur Ochs Sulzberger

The situation is not good, and it's getting worse.

A U.S. Department of Education study calculated that illiteracy in the United States is actually increasing—at a rate of 2.2 million per year. Other studies have ranked the United States as low as 49th among members of the United Nations.

Yet this is not a crisis of numbers, but of real live people. They are our neighbors, living in big cities, working on farms. Some are new immigrants. Many have the capacity to learn but had to drop out of school to earn money.

If you can't read, everyday coping can become a nightmare. A young mother can't read the poison warning on the cleanser bottle. An isolated rural couple can't pass a driving test. These people live at a terrible disadvantage.

Why should newspaper publishers care? This large segment of America represents potential newspaper readers. But that is a long-haul perspective. The more immediate reason is that illiteracy is bad for our communities, our states and our nation. It separates people. It locks them into poverty. It leads to a higher crime rate. It weakens the economy.

It holds *all* of us back.

In the next two months, ANPA will sponsor two important programs to help newspapers promote literacy:

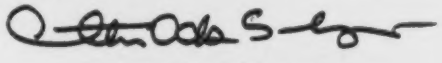
- At the Newspaper Adult Literacy Workshop in Washington, D.C., Aug. 7-9, newspapers will share ideas about their successful adult literacy efforts.
- On National Newspaper Literacy Day Sept. 8, newspapers across the country will sponsor literacy programs, "readathons," and other activities.

Also on Sept. 8, we'll have a symposium in Washington to review the progress in national literacy efforts.

To find out more about these and other events, and how your newspaper can get involved, please call Carolyn Ebel Chandler, manager of literacy programs for ANPA Foundation, at (703) 648-1251. She can also send you "how to" information about local literacy programs and a booklet of examples of how local newspapers have created their own innovative programs to promote literacy. It includes phone numbers and the names of contacts.

One final word. Schools. We must shine a light on local schools to ensure they are doing everything possible to teach students to read and write. It's not a coincidence that National Newspaper Literacy Day is co-sponsored by the International Reading Association, along with ANPA Foundation and ASNE. We need to work with our schools because they can't do it alone. Studies show that no matter how hard a teacher tries, a child whose parents are illiterate probably won't learn to read.

That's why those big numbers are so scary.



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Publisher, Jerry W. Friedheim
Editor, James E. Donahue
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Editorial Assistant, Mary B. Nahan

Advertising Manager, Jonathan A. Reed
Advertising Assistant, Wendy Klammer

ANPA Executive Offices
The Newspaper Center, 11600 Sunrise Valley Drive, Reston, Va.
Mail address: Box 17407 Dulles Airport, Washington, D.C. 20041;
(703) 648-1000
FAX: (703) 620-4557

Advertising Sales Representatives

East
Dave Bentley, Bob Gardner, Pete Uhry, Sara Greenwood, John Adams, Bob Bruder, Marketing & Media Decisions, 1140 Avenue of the Americas, New York, N.Y. 10036; (212) 391-2155

Midwest/Southwest
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West
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Journalists Judged

BY DONALD C. BACON
presstime staff writer

Until recently, a reporter, editor or publisher had about as much chance of serving on a jury as of becoming an astronaut. Trial lawyers, skeptical of having press people decide their cases, routinely fought to keep them out of the jury box. And in many states, exclusionary laws made it easy for journalists, especially those working for newspapers, to avoid such duty altogether.

Today, however, a press pass no longer represents a sure ticket out of jury duty. State jury-selection laws exempting designated occupations, such as law-enforcement officers, medical personnel and journalists, are rapidly disappearing.

Among large newspapers especially, jury service increasingly is being supported for employees of all departments. Some 81 percent of the dailies responding to an ANPA survey last year said they now provide time off at full pay for jury duty, up from 75 percent in 1981. Even trial lawyers, in rare but significant instances, are swallowing their doubts and accepting press members as legitimate jury candidates.

"It didn't seem to matter that I was a reporter; I don't remember that anybody even asked me about it," recalls Margaret Theis, a staff member of The Pantagraph in Bloomington, Ill., and a prospective juror in the McLean County (Ill.) Circuit Court a few years back. Then a part-time Pantagraph reporter, she ultimately served on the jury in a drug trial.

Lawyers historically have tended not to favor reporters and editors as jurors. Newspapers also objected because they were left short-handed. The tide is turning.

Raymond E. Gross, editor and publisher of The Courier-Gazette in Rockland, Maine, was scrutinized more closely when he was summoned for jury duty in Knox County (Maine) Superior Court last fall. In questioning potential jurors for a civil-liability trial, the judge focused hard on Gross's newspaper affiliation and his possible familiarity with the case. He had to convince the judge and the attorneys that he could be objective.

Says Gross, "I told them that I was a professional observer who had spent an entire career trying to be objective." He was surprised at being accepted, he says, "because everything that happens around here sooner or later comes through this newspaper."

Journalists are increasingly likely to find themselves serving on a jury.

LAWYERS' CONCERNS. Although more journalists are being summoned for jury duty, it is still the rule that relatively few actually wind up serving in a trial. The idea of journalists on juries remains a novel, even unthinkable, concept for many lawyers.

Usually, the attorney for one side or the other will ask the court to dismiss a journalist "for cause"—a legal euphemism for suspected prejudice. If the judge refuses, the lawyer likely will use one of his peremptory challenges to eliminate the journalist. Peremptory challenges, a limited number of which are allotted each side in a trial, allow the attorney to dismiss a prospective juror for any reason, or no reason, whatsoever.

"Most reporters and editors get thrown off juries in that way," notes ANPA Assistant General Counsel Tonda F. Rush. Using the peremptory challenge process, a lawyer "can remove someone just because he or she doesn't like that person's looks or skin color," she adds.

Why do journalists—and, indeed, a wide range of other professionals as well—make undesirable jurors in the eyes of many lawyers? Lawyers are first to admit that it usually comes down to a presumption that journalists, as a rule, are too knowledgeable and too inured to emotional appeal to fit the profile of an ideal juror. Rush puts it more bluntly: "Reporters and editors usually know too much."

Philip H. Corboy, a nationally noted trial lawyer, argues that lawyers do not really select jurors to weigh their cases. "It's a myth that lawyers select jurors," the Chicago attorney contends. "They 'deselect' them. That's all a lawyer does. In deselecting, a lawyer for one side or the other will try to get rid of whoever he thinks will harm him. Why are we likely to get rid of newspaper people? Simple. They're smart, they're leaders, they take over people. . . .

"A lawyer wants to take people who are not against him," continues Corboy, who frequently represents plaintiffs in professional- and product-liability cases. "Most lawyers don't want a leader (on his client's jury) unless they know the leader is on their side."

OK for Jury Duty

Corboy cites exceptions, himself included, to that thinking. "I judge each case on an ad hoc basis," he explains. "There may be a reason why I would want an intelligent person on a jury," such as in a complex malpractice or product-liability trial. "Sometimes the more intelligent the juror, the better off the litigant is. . . . An intelligent person does not frighten Corboy. An intelligent person does frighten some lawyers."

Professor Philip B. Kurland of the University of Chicago Law School warns against generalizations of how lawyers view journalists and other professionals as prospective jurors. He admits that "some lawyers feel that reporters are too sophisticated and are not susceptible to their sob-sister stories." But he adds, "In some commercial cases, a lawyer might like to have a very sophisticated person. . . . You can't generalize."

ARE FEARS EXAGGERATED? As for journalists dominating a jury, the experiences of some journalist-jurors indicate the concerns may be exaggerated.

Maine newspaper executive Gross perhaps was the most knowledgeable person on the eight-member panel on which he served, but he did not wind up as foreman. A homemaker was elected, and "she did a tremendous job," he recalls. Gross says he took a relatively passive role in the jury's deliberations, except that "I kind of took charge a couple of times when I felt things were starting to drift off the point."

One whose hackles rise at the mention of exempting journalists from juries is John Guinther, a Philadelphia free-lance writer and author of *The Jury in America*, a new book that examines the jury system. Says Guinther: "Excluding newspeople goes against basic theory that a jury ought to be representative of the community. Newspaper people (and others in the media) are as much a part of the community as any other group. . . . Why should a damn newspaper reporter be different from anybody else?"

Most observers agree that lawyers are not the only ones responsible for the sparsity of journalists on juries. Journalists themselves—and the owners of the organizations for which they work—share the burden. "Routinely, up to recently, lawyers kept reporters off juries, and that was perfectly satisfactory to reporters," comments Robert S. Becker, staff attorney for the Reporters Committee for Freedom of the Press.

State exclusionary laws —which, in effect, declared certain occupations so important to society that the holders of those jobs could not be released for jury duty—were enacted and preserved often not so much to benefit trial lawyers but to relieve certain groups and their employers from a costly and time-consuming civic obligation. Such laws were strongly defended by owners of small businesses, including small newspapers where the absence of even one employee could impair the paper's ability to publish.

The Ely (Nev.) Daily Times (evening, circulation 2,425) perhaps typifies the plight of the small-town newspaper in releasing staff. "Although we are a daily, the staff is just myself and one reporter," says Editor Kent Harper. "If that reporter got called for jury duty, it would have an impact. . . . I guess I would finagle to get him off."

EXCLUSIONARY LAWS. As recently as five years ago, about half the states had exclusionary laws, some of which effectively excluded many occupations from jury service. In California, for instance, "we found that all we were getting on juries were nonworking people; nearly everyone was excluded for one reason or another," says Michael B. Dorais, general manager and general counsel of the California Newspaper Publishers Association.

"I told them that I . . . had spent an entire career trying to be objective."

Raymond E. Gross
The Courier-Gazette, Rockland

California in the early 1980s became one of the first states to revise its exclusionary law. Today, virtually every California citizen is subject to call for jury service, although lawyers still can and often do try to keep certain people off juries simply because of their occupation. Few California newspaper owners have complained, says Dorais. "It has not been an issue; serving on a jury is recognized as part of the job of a citizen."

Other states have rapidly followed suit, broadening their jury base by wiping out most or all of the previously excluded occupations. Importantly, states at the same time have drastically shortened the requirement for jury service, in most cases adopting the so-called one-day, one-trial system. Some 40 states now use variations of that system, which limits a person's jury-pool requirement to one day or, if assigned to a trial, to the length of that trial. Only occasionally does the person miss more than one day's work.

Among the last holdouts for insulating specific groups from jury duty was Illinois. As late as 1986, the state excluded a wide range of occupations, including even such obscure groups as draymen and ferry operators. In 1986, the Illinois legislature, under heavy lobbying pressure, enacted a reform measure that brought back into the jury system all occupations save two: the editorial and mechanical employees of newspapers. Although members of those two groups

Percentage of Newspapers (by Circulation) That Provide Full-Pay Leave for Jury Duty

5,000-25,000	75
25,001-50,000	80
50,001-100,000	84
100,001-250,000	86
More than 250,000	88

Source: ANPA 1987 Personnel Information Survey of the approximately 1,400 ANPA-member newspapers, of which 395 responded.

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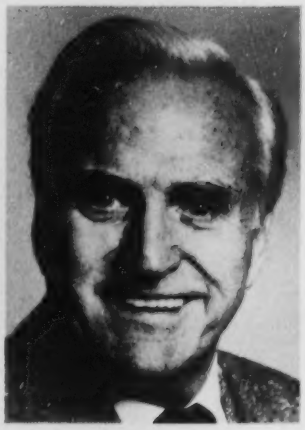
could be summoned for jury service, the law provided that, solely because of their occupation, they could be challenged "for cause" during the jury-selection process.

Preserving the exclusion was a victory for the Illinois Press Association, which had supported the protection out of concern for many of the small "mom-and-pop" operations among its membership. It was a disappointment for the Illinois Associated Press Editors Association, whose executive committee had opposed the exclusion.

No one, however, had counted on newspapers' winding up as the only protected category. The conspicuous exemption may have demonstrated the press's influence in Illinois, but it proved an embarrassment for many executives and staffs of the larger papers—most of which supported jury service as a civic responsibility and routinely granted time off, often at full salary, for such duty. Papers such as the Chicago Sun-Times rewarded jury-bound employees even more, giving them full pay plus permitting them to retain any jury fees that they earned.

In 1987, after one year, the jury law again was revised. This time, with the Illinois Press Association taking no position, the newspaper exclusion was removed. Earlier, the resistance of small newspapers had dwindled after they gained assurances of special consideration for hardships resulting from the loss of employees to jury service. Today in Illinois, as in most states, no occupation—including judges themselves—can automatically escape a jury summons.



Lawyers "deselect" newspaper people because "they're leaders. They take over people."

Philip H. Corboy
Chicago trial lawyer

ENRICHING EXPERIENCE. As for editorial employees, some of whom have written about courts for years but have never seen the inside of a jury room, the experience of serving on a jury is proving more interesting and personally enriching than they had imagined.

Many say they have been particularly impressed by the seriousness and sense of fairness with which juries approach their assignments.

According to jury-authority Guinther, the presence of newspaper people on a jury can, in itself, help contribute to a trial's fairness. Studies have shown that the more broadly based a group is, "the more fair-minded it will be," he says.

After his jury stint, Gross wrote a column for his Rockland, Maine, paper praising the presiding justice's performance.

The increasing participation of journalists, however, is not without complications. Occasionally, the juror's duty not to divulge secret information or jury-room discussions bump up against the journalist's professional obligation to report what he or she knows.

Dorothy Newell, an editor with The Patriot Ledger of Quincy, Mass., faced such a quandary in 1979 when she was selected for a jury in the case of a man charged with raping three teenage girls. Citing the victims' ages, the judge ordered the trial closed. Working reporters, who refused the judge's request to withhold publishing what they heard, were required to leave the courtroom. Newell was sequestered along with the rest of the jury and ordered not to publish the trial testimony.

While the press battled to get back in—The Boston Globe eventually pursuing its appeal for an open trial all the way to the U.S. Supreme Court—the trial went on. Juror Newell found herself locked in something of a reporter's nightmare: Being privy to a major breaking story but being unable to write or even talk about it until the verdict was in and the jury was released. □

A Good Try, but...

Lyndell Williams, executive vice president of the Texas Press Association, tells of the small-town Texas publisher whose recent effort to escape jury service brought a firm response from the judge.

The publisher, in a lengthy letter to the court, had stated his case. He described his many duties, noted his indispensability and appealed for sympathy. The prospect of jury duty "saddened" him greatly, he said.

The judge, reflecting the judiciary's growing effort to expand the jury base, answered, "My heart is touched that you're so sad—but you're still going to serve."

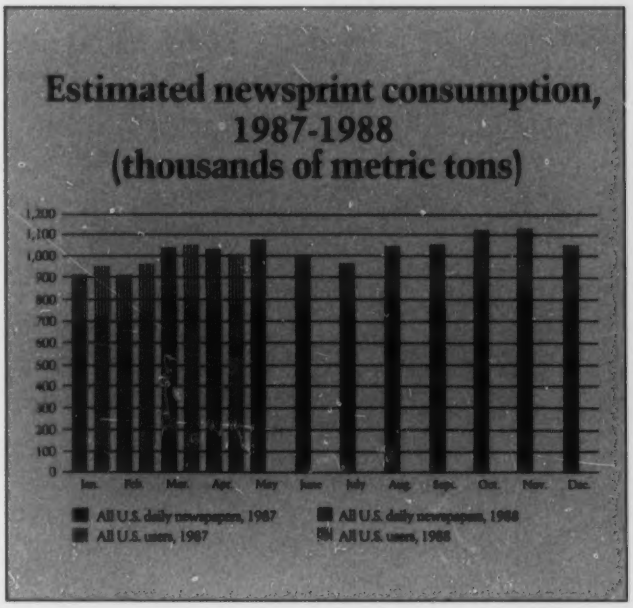
First consumption drop in 3 years for dailies

U.S. daily newspapers used 1.6-percent less newsprint in April than they did in the same month a year earlier; it marked their first consumption decrease since February 1985. According to the ANPA Newsprint and Transportation Department, the early Easter this year and a slump in retail advertising contributed to the decline.

Newsprint consumption by all U.S. users in April was down nearly 2 percent compared with April 1987—the first such decrease since January 1987.

For the first four months of 1988, total estimated U.S. newsprint consumption was 3,990,503 metric tons, compared with 3,882,046 metric tons for the same period of 1987—an increase of 2.8 percent. For the period consumption by daily newspapers increased 1.9 percent.

Newsprint inventories of newspapers in ANPA's statistical sample averaged a total of 45 days in April, compared with 40 days in April 1987. Canadian production increased 2.3 percent from April 1987, while U.S. production rose 7.5 percent.



Estimated consumption of all U.S. daily newspapers[1]

Region	March 1988(r)	March 1987	% Change
Northeast	200,926	199,433	+0.7
North Central	169,135	166,424	+1.6
South	252,604	254,876	-0.9
West	182,287	175,655	+3.8
Circulation Size			
up to 25,000	65,390	58,717	+11.4
25,001-100,000	167,570	169,791	-1.3
Over 100,000	571,992	567,880	+0.7
March totals	804,952	796,388	+1.1
Three-month totals	2,264,018	2,194,050	+3.2
Region	**April 1988(p)**	**April 1987**	**% Change**
Northeast	197,449	199,000	-0.8
North Central	158,466	163,993	-3.4
South	239,012	246,550	-3.1
West	177,799	175,540	+1.3
Circulation Size			
up to 25,000	62,689	63,644	-1.5
25,001-100,000	163,489	166,741	-2.0
Over 100,000	546,548	554,698	-1.5
April totals	772,726	785,083	-1.6
Four-month totals	3,036,744	2,979,133	+1.9

Estimated consumption of all U.S. users

	1988	1987	% Change
February totals	964,229(r)	905,647	+6.5(r)
March totals	1,057,275(r)	1,037,369	+1.9(r)
April totals	1,011,402(p)	1,031,263	-1.9(p)
Four-month totals	3,990,503(p)	3,882,046	+2.8(p)

Production

	Canada	U.S.A.	North America
April 1988	826,229	450,934	1,277,163
April 1987	807,553	419,474	1,227,027
Increase	+18,676	+31,460	+50,136
	+2.3%	+7.5%	+4.1%
Four months 1988	3,336,930	1,800,178	5,137,108
Four months 1987	3,214,815	1,695,009	4,909,824
Increase	+122,115	+105,169	+227,284
	+3.8%	+6.2%	+4.6%

Stocks

U.S. publishers[2]	Tonnage	Days' supply on hand	Days' supply in transit
February 1988	930,981	37(r)	7
February 1987	878,590	35	7
March 1988	962,255	39	6
March 1987	874,026	35	6
April 1988	976,691(p)	39(p)	6(p)
April 1987	869,316	35	5
Canadian mills			
April 1988	358,691	—	—
April 1987	322,751	—	—
U.S. mills			
April 1988	59,892	—	—
April 1987	45,174	—	—

Shipments

From Canadian mills	U.S.A.	Canada	Export	Total
April 1988	575,697	100,344	112,567	788,608
April 1987	594,999	95,271	127,409	817,679
Four months 1988	2,337,548	398,410	431,376	3,167,334
Four months 1987	2,292,335	384,468	492,465	3,169,268
Increase or	+45,213	+13,942	-61,089	-1,934
decrease	+2.0%	+3.6%	-12.4%	-0.06%
From U.S. mills				
April 1988	419,755		26,318	446,073
April 1987	396,571		31,215	427,786
Four months 1988	1,679,934		96,483	1,776,417
Four months 1987	1,590,548		108,361	1,698,909
Increase or	+89,386		-11,878	+77,508
decrease	+5.6%		-11.0%	+4.6%
From North American mills				
April 1988	995,452	100,344	138,885	1,234,681
April 1987	991,570	95,271	158,624	1,245,465
Four months 1988	4,017,482	398,410	527,859	4,943,751
Four months 1987	3,882,883	384,468	600,826	4,868,177
Increase or	+134,599	+13,942	-72,967	+75,574
decrease	+3.5%	+3.6%	-12.1%	+1.6%

[1]Based on stratified data from newspapers in ANPA statistical sample; figures in this and other tables are in metric tons.

[2]Represents stocks of newspapers in ANPA statistical sample.
(r) = revised (p) = preliminary